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September 10, 2014

VIA ECF & FACSIMILE
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The Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Chambers 1640
New York, New York 10007-1312

Re: *United States ex. rel. Kester v. Novartis Pharmaceuticals Corp. et al.*,
Civil Action No. 11-8196 (CM) (JCF)

Dear Judge McMahon:

In *Novartis V*, the Court ordered limited jurisdictional discovery concerning the relator's claims against CVS Caremark relating to claims submitted between March 2009 and March 2010. In a November 11, 2011, email communication, *i.e.* during the week prior to when he filed his action, the relator furnished the Government with a copy of his draft complaint, thereby meeting the "pre-filing" disclosure requirement in the "original source" exception to the "public disclosure bar" in the False Claims Act, 31 U.S.C. § 3730(e)(4).

However, to avoid the delays that would attend discovery and possible further motions practice relating to this issue, and to focus his efforts on discovery relating to his affirmative case, relator will voluntarily dismiss the claims against CVS Caremark to the extent they relate to this time period. This change will be reflected in the amended complaint the Court has ordered to be filed on Monday, September 15, 2014.

Respectfully,

September 10, 2014
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Arun Subramanian